

APPEAL NO. 022912
FILED JANUARY 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 23, 2002. The hearing officer determined that the respondent (claimant herein) sustained a compensable injury on _____, and had disability beginning on June 4 and continuing through August 1, 2002. The appellant (carrier herein) files a request for review, arguing that the claimant failed to prove either that his injury was related to his work or that he had disability. There is no response from the claimant to the carrier's request for review in the appeal file.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The questions of whether the claimant sustained a compensable injury and whether she had disability presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence in favor of the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

Nor do we find merit in the carrier's legal arguments. The carrier argues that the claimant's injury could have taken place outside of work. Merely because it is possible that the same type of injury could have occurred outside of work is not a reason to find that the claimant's injury is noncompensable as a matter of law. We also are not persuaded by the carrier's argument that the claimant did not have disability as a matter of law because the claimant did not return to work when released to light duty. Absent a bona fide offer of employment, the hearing officer could find disability in spite of the employer's protestations that it could have made light duty available to the claimant.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Roy L. Warren
Appeals Judge